

東吳大學九十九學年度碩士在職專班研究生招生考試試題

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系級	法律學系碩士在職專班比較法學組	考試時間	90 分鐘
科目	法學英文	本科總分	100 分

LEGAL ENGLISH

I. Explanation of Legal Terms (English to Chinese) 40%

1. Consequential damages
2. Temporary Restraining Order
3. *Stare Decisis*
4. Service of Process
5. Deposition
6. Security interest
7. Attorney-client relationship
8. The Privilege Against Self-Incrimination

II. Translation (Chinese to English) 30%

1. 公證
2. 交互詰問
3. 事前違約
4. 協同意見
5. 集體訴訟
6. 司法審查權

III. Legal Issue Analysis 30%

Egbert, a seven-year old boy, stood on the sidewalk in front of his home throwing raw eggs at cars as they drove past. After one of the eggs struck the front windshield of Driver's brand new car, Driver (an adult) stopped and got out of his car. Angrily, Driver proceeded to chase after Egbert who immediately fled down the sidewalk. Driver finally caught up with Edgar after pursuing him for about a block, whereupon he angrily demanded that Egbert "come back and get into my car. I'm taking you down to the police station, you little moron!" Egbert, who by this time was crying, accompanied Driver back to his car and got inside. Driver then proceeded to drive directly to the nearest police station (about two miles away) where he reported the entire incident to the police authorities. Subsequently, the police called Egbert's parents who immediately came to the station and picked him up. No charges were ever filed against the young boy.

Now, Egbert's parents consult you (an attorney) about the possibility of bringing a tort action on behalf of Egbert against Driver. *What specific Intentional Tort cause(s) of action would you recommend? Please explain your answer thoroughly in English!*

GOOD LUCK & HAVE A NICE DAY